

REMARKS

This application has been reviewed in light of the Office Action dated April 28, 2008. Claims 1-5 and 15¹ are presented for examination, with Claim 1 being in independent form. Claims 1, 2 and 15 have been amended. Favorable reconsideration is requested.

Claims 1-5 and 15 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Although it is not conceded that the rejection is correct or valid, Claim 1 has been amended in an effort to expedite the allowance of this application, with special attention to the points raised in sections 5-8 of the Office Action. It is believed that the rejection under Section 101 has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 5 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by “Agent Offers One-Stop TV Production”, Bill Carter, March 11, 2002, New York times, Late Edition (“*Carter*”); that Claims 3-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carter* in view of “Two Thumbs Up for Card Placement”, author unknown, Credit Card Management, May 1993 (“*Card Placement*”); and that Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Carter* in view of Open Small Business Network (“*Open*”). Applicants submit that independent Claim 1, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

¹ The Examiner correctly pointed out that Claim 6 was previously misnumbered. Applicants note, however, that the next claim should be numbered 15 not 16. Accordingly Claim 6, which was renumbered to Claim 16 by the Office Action, has been renumbered as Claim 15.

Important features of amended Claim 1, include “an interface configured to accept from a participant input including contact information of said participant, a response to an inquiry, and a proposed solution incorporating a product of said sponsor and corresponding to a predetermined issue related to said business operation”, a database constructed to store said response from said participant and link said response to a plurality of responses from a plurality of other participants based on at least one of said response to said inquiry and said proposed solution” and “a processor constructed to select at least one proposed solution stored on said database and incorporate said at least one proposed solution into said storyline.” By virtue of these features, a product is not only marketed to a interested class of participants but the show becomes more educational because the participants (*e.g.*, business owners) can address key business questions using input from other participants (*e.g.*, other business owners). Thus, when juxtaposing the experiences of various participants, interesting and/or helpful lessons are discovered. Moreover, products can be incorporated during certain activities or during certain time periods based on the dynamic interplay of issues and solutions considered by the processing entity.

Carter relates to reality shows which purportedly offer “multiple sources of financing — including foreign production companies and advertisers – to avoid the usual television industry structure” where “a studio pays a program’s costs, receives a fee from a network that defrays part of the cost and covers the rest as a deficit.” *See Carter* page 2, para. 2. Apparently, *Carter* teaches providing “product placement within the show -- a lot of shots of various food products for example.” *Id.* at page 3, para. 2. The Office Action purports that “[i]n a reality television show about a restaurant, food products would be well recognized to be configured to facilitate substantial resolution of certain issues related to so

said business operation.” *See* Office Action page 5. Applicants respectfully disagree with this characterization of *Carter*.

As best understood by Applicants, *Carter*’s “product placement” is nothing more than that – placement of products or commercials in a broadcast. Applicants respectfully submit that such product placements techniques suggested by *Carter* are not integrated in a show having a storyline related to a business operation to determine a solution to an issue related to the business operation. For instance, placing a particular brand of a steak knife on the show does not solve any problem and instead acts only as a commercial for that particular brand of steak knives.

For at least these reasons, Applicants submit that nothing has been found in *Carter* that is believed to teach or reasonably suggest “an interface”, “database” or “processor” as recited in Claim 1. Accordingly, Applicants submit that Claim 1 is not anticipated by *Carter*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

A review of the other art of record has failed to reveal anything that, in Applicants’ opinion, would remedy the deficiencies of the art discussed above, as applied against independent Claim 1 herein. Therefore, Claim 1 is respectfully submitted to be patentable over the art of record.

Applicants further submit that a combination of *Carter*, *Card Placement* and *Open*, assuming such respective combinations would even be permissible, would fail to teach or suggest the features discussed above with respect to Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2150856_1